

TITLE 16. CALIFORNIA BOARD OF OCCUPATIONAL THERAPY

NOTICE IS HEREBY GIVEN that the California Board of Occupational Therapy (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments relevant to the proposed action in writing. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office no later than 5:00 p.m. on February 14, 2006.

The board does not intend to hold a hearing in this matter. If any interested party wishes that a hearing be held, he or she must make the request in writing to the board. The request must be received in the board's office not later than 5:00 p.m. on January 30, 2006.

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the action substantially as described below or may modify such action if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified action will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the action.

Authority and Reference: Pursuant to the authority vested by sections 134, 152.6, 163.5 and 2570.20 of the Business and Professions Code, and to implement, interpret or make specific sections 2570.9, 2570.10, and 2570.16 of the Business and Professions Code, the Board is proposing amending Division 39, Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law establishes a one-year term for licenses and certificates issued to occupational therapists and occupational therapy assistants. Licensees are required to renew their licenses/certificates by the last day of their birth month. If they do not pay the renewal fee within thirty days of the expiration date of their license, they are also required to pay a delinquent fee equal to one half of the renewal fee. Further, effective January 1, 2006, the law requires that licensees complete twelve (12) professional development units during the preceding renewal period as a condition of license renewal.

Modify section 4120. The proposed language modifies the term of a license/certificate from one year to two years and adds clean-up language that requires licensees to document compliance with continuing competency requirements on their license renewal form.

Modify section 4121. The proposed language eliminates the grace period for charging a delinquent fee to licensees who do not pay their license renewal fee within thirty (30) days of the expiration date of their license.

Modify section 4161. The proposed language will bring the continuing education requirements in line with biennial license renewal. It will also clarify that licensees will not be given partial credit for professional development activities listed in subsection (c).

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Non-discretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The Board has made an initial determination that the adoption of this regulation would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The following studies/relevant data were relied upon in making the above determination: None

Impact on Jobs/New Businesses:

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulation would not affect small businesses because the regulation does not regulate small businesses, does not require reports or any other compliance activities.

CONSIDERATION OF ALTERNATIVES

The alternative to this proposed regulation is contained in a previous regulatory package which amends Title 16, California Code of Regulations, section 4130 - Fees (Z-05-0627-1). Within that regulatory package the Board will consider two options concerning the license renewal fee. Depending on the outcome of that decision, the Board will either reduce the annual renewal to \$75.00, or transition to a biennial renewal with the fee remaining at \$150.00. If the Board does not decide to transition to biennial renewal, this regulatory package will be withdrawn. Both options will reduce the license renewal fee by half of its current figure.

Any interested person may request a hearing to present statements or arguments orally or in writing relevant to the above determinations, if requested within 15 days of the close of the written comment period.

TEXT OF PROPOSAL AND INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of reasons that sets forth the reasons for the proposed action and has all the information upon which the proposal is based.

Copies of the exact language of the proposed regulation and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained from our website as listed below or upon written request from the contact person listed below.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulation is based is contained in the rulemaking file, which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the Board's website as listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

April Freeman
California Board of Occupational Therapy
444 North Third Street, Suite 410
Sacramento, CA 95814
(916) 322-3278
(916) 445-6167 (FAX)

The backup contact person is:

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Website Access: All materials regarding this proposal can be found on-line at **www.bot.ca.gov > Laws and Regulations > Proposed Regulations.**